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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/193,646	11/17/1998	JAY PAUL DRUMMOND	D1077+8	2283

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EXAMINER

HEWITT II, CALVIN L

ART UNIT

PAPER NUMBER

2161

DATE MAILED: 03/01/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/193,646

Applicant(s)

DRUMMOND ET AL.

Examiner

Calvin L Hewitt II

Art Unit

2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7 and 9. 6) ☐ Other: _____

Status of Claims

1. After further consideration, in view of Applicant's arguments, the Examiner has withdrawn the restriction requirement (paper No. 8).
2. Claims 1-32 have been examined.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis et al., U.S. Patent No. 6,105,008 in view of Bator et al., U.S. 5,826,246

As per claims 1-32, Davis et al. teach an internet smart card loading system comprising:

- An automated transaction machine with input device and memory
(figures 4 and 19; column 8, lines 10-32; column 29, lines 25-67)

- software that controls peripheral devices (e.g. input and output devices) such as a card reader (figure 19; column 8, lines 10-56)
- a computer, with browser software, that is operative to access an HTTP address and receive HTML instructions (column 7, lines 3-23; column 8, lines 33-67; column 9, lines 5-20; column 10, lines 6-55; column/line 11/60-12/26; column 25, lines 27-55)
- software that operates peripheral devices responsive to instructions received at an HTTP address (figures 11A-13, 16-18D)
- storing transaction data representative of user interaction with peripheral devices (e.g. user input to input devices) (column 12, lines 26-42 and 52-67; column 13, lines 1-63; column 28, lines 20-25)
- software that access transaction data (column 4, lines 46-56; column 12, lines 52-67; column 13, lines 40-67; column 14, lines 1-6 and 39-65; column 15, lines 26-38; column 16, lines 18-33; column 26, lines 15-23; column 27, lines 22-29; column 28, lines 20-57)
- software that operates peripheral devices responsive to instructions received from a plurality of remote servers (figures 4-11D, 16-18D; column 24, lines 13-27; column 28, lines 20-57)
- a computer that is able to access instructions using a browser (column 7, lines 3-23; column 8, lines 33-67; column 9, lines 5-20; column 10, lines 6-55; column/line 11/60-12/26; column 25, lines 27-37)

- a back office processing system that is in connection with the computer and stores transaction data (figure 4; column 4, lines 46-56; column 7, lines 12-24; column 13, lines 40-46; column 14, lines 43-50; column 25, lines 55-67)
- instructions in the form of an applet (column 8, lines 33-48; column 9, lines 5-19; column 10, lines 6-55; column 12, lines 1-25; column 24, lines 13-18; column 25, lines 27-55)
- memory that stores transaction data (figures 4 and 19; column 4, lines 46-56; column 12, lines 53-67; column 14, lines 40-50; column 28, lines 20-57)
- accepting identifying data from a user of an automated banking machine (figures 14 and 18A; column/line 23/59-24/60)
- transferring data between a hand-held device with a processor and an automatic transaction machine (figures 1-4; column 8, lines 17-22)

Davis et al. do not explicitly recite a printer, printing indicia, sheet and/or cash dispenser. However, they broadly define their invention over "... any type of service payment terminal that a consumer might use to purchase goods and services" (column 8, lines 15-17) such as kiosks, mainframes, work stations, PCs, portable PCs, PDAs and cell phones. Bator et al. teach secure postage metering at an ATM using smart cards (abstract). Bator et al. implement their

system by combining existing ATM functions (e.g. dispensing cash, printing transaction data) with postage metering processes such as printing postage indicia (column 3, lines 32-40; column 5, lines 1-29; column 9, lines 17-34). Therefore, it would have been obvious to one of ordinary skill of the art to combine the teachings of Davis et al. and Bator et al.. The motivation is as follows:

Davis et al. apply their system to kiosks. An ATM is a kiosk. Hence, the combined system provides users with a means for securely accessing goods and services (e.g. postage metering) using a value card while also providing means for recharging the card ('246, column 3, lines 7-14 and 32-39; '008, column 8, lines 10-32; column 23, lines 59-67).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Bernstein teaches a kiosk with browser
- Jennings discloses automated wire transfers from an ATM
- Zeanah et al. disclose a method and system for delivering financial services to remote user terminals

Art Unit: 2161

6. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Calvin Loyd Hewitt II whose telephone number is (703) 308-8057. The Examiner can normally be reached on Monday-Friday from 8:30 AM-5:00 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, James P. Trammell, can be reached at (703) 305-9768.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

c/o Technology Center 2100

Washington, D.C. 20231

or faxed to:

(703) 746-7239 (for formal communications intended for entry),

(703) 746-7238 (for after-final communications),

or:

(703) 746-7240 (for informal or draft communications, please label

"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

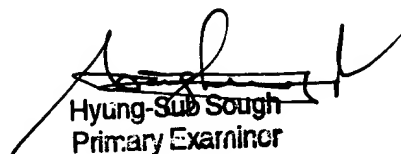
Application/Control Number: 09/193,646
Art Unit: 2161

Page 7

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Calvin Loyd Hewitt II

February 25, 2002


Hyung-Suk Sough
Primary Examiner